

# **National NAGPRA FY07 Final Report**

## **For the period October 1, 2006 – September 30, 2007**

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## NAGPRA Introduction

*This report covers activities of the National NAGPRA Program for the fiscal year 2007 (FY 2007- October 1, 2006 – September 30, 2007). All information and statistics reported are current as of close of business, September 30, 2007. Regular reports on National NAGPRA's work are available on the program's Website: <http://www.cr.nps.gov/nagpra/DOCUMENTS/INDEX.htm>.*

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990 to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act assigned implementation responsibilities to the Secretary of the Interior, including:

- Administering the obligations of museums and Federal agencies with regard to collections of cultural items, as follows:
  - Extending inventory deadlines for museums that demonstrate a good faith effort to comply with the law,
  - Publishing notices for museums and Federal agencies in the Federal Register,
  - Creating and maintaining a database of Culturally Unidentifiable Human Remains,
  - Making grants to assist museums, Indian tribes, and Native Hawaiian organizations in fulfilling museum responsibilities and the opportunities for tribes under the Act,
  - Assessing civil penalties on museums that fail to comply with provisions of the Act, and
  - Establishing and providing staff support to the Native American Graves Protection and Repatriation Review Committee;
- Providing oversight and technical assistance in those instances where there are excavations and discoveries of cultural items on Federal and Indian lands;
- Promulgating implementing regulations;
- Providing technical assistance, through:
  - Training programs,
  - Website information,
  - Reports prepared for the Review Committee, and
  - Supporting law enforcement investigation allegations of illegal trafficking in Native American human remains and cultural items.

The National Park Service was delegated some of these responsibilities shortly after NAGPRA became law. The National Park Service also has compliance obligations for parks. National NAGPRA is the omnibus compliance program, the constituents groups of which are all federal agencies, museums that receive federal funds, tribes and Native Hawaiian organizations.

This report and subsequent reports will follow the organization of the National NAGPRA program and its responsibilities pertaining to collections, excavations/discoveries, regulations, and technical assistance given to tribes and the museums and Federal agencies that have obligations for NAGPRA compliance.

# Summary of the National NAGPRA Program FY 2007

The following are highlights of the year and program statistics in brief.

## Collections:

- **Summaries received:** 1,065 total
  - Plus 459 reporting no collection requiring a summary
- **Inventories received:** 1,253 total
  - Plus 279 reporting no collection requiring an inventory
- **Notices of Inventory Completion:**
  - 77 published in FY 2007
  - 1,016 published in total
  - account for 32,706 human remains and 685,064 associated funerary objects
- **Notices of Intent to Repatriate**
  - 31 published in FY 2007
  - 376 published in total
  - account for 129,489 unassociated funerary objects, 3,598 sacred objects, 303 objects of cultural patrimony, and 773 objects that are sacred and cultural patrimony, also 215 undesigned cultural items.
- **Notice processing:**
  - 135 received, 108 published
  - backlog of aging notices (pre-2002) reduced 8%
- **Culturally Unidentifiable Native American Human Remains:**
  - Found in 682 inventories
  - Found in 623 institutions
  - 118,400 minimum number of individuals
  - 2,321 identified to date
  - 2,383 transferred in dispositions
- **Grants:**
  - Requests in 2007-\$2.9M
  - Awarded in 2007-\$1.9M
  - 30 consultation/document grants awarded
  - 6 repatriation grants awarded
  - Total of \$1,904,282 M
- **Civil Penalties:**
  - 31 investigations of allegations as to 12 museums total
  - 9 failures to comply and 22 found unsubstantiated, total

- In 2007, 7 failures to comply, as to 6 museums
- 1 penalty assessed in 2007, 2 total, 6 pending
- Penalty amount collected in 2007 \$2,500, \$6,200 total

- **Review Committee**

- November 3-4, 2006, Denver, CO
- April 19-20, 2007, Washington, DC
- 5 recommendations for disposition of culturally unidentifiable, 390 individuals/27 associated funerary objects
- 1 dispute heard and recommendations made

## Excavation and Discoveries:

- 66 pairs of notices published
- 3 published during 2006

## NAGPRA Regulations 43 CFR 10:

- 10.11 Culturally Unidentifiable - proposed rule - Department Review
- 10.13 Future Applicability – final rule published March 20, 2007
- 10.7 Unclaimed – Under development - 1 consultation in 2007

## Technical Assistance and Reports:

- Training given to 1913 individuals in 40 training events
- 3 responses to Congressional requests
- 1900 responses requests for information
- Report: Federal Agency Compliance
- Report: Culturally Affiliated Notice Completion(in part)
- Report: Who Are the Culturally Unidentifiable?
- Report: NAGPRA Success Stories

## Collections

The sections of NAGPRA relating to collections describe the inventories, summaries, grants, civil penalties and the Review Committee which further aspects of the administration of the law. These provisions pertain to the responsibilities of Federal agencies and museums that receive Federal funds to inventory collections of Native American human remains and associated funerary objects in consultation with potentially affiliated tribes and to submit an itemized list to the National NAGPRA Program. The cultural affiliation decisions of agencies and museums made in inventories are reflected in Notices of Inventory Completion and in the list of Culturally Unidentifiable Human Remains, which are available on public access databases. Summaries of the remainder of the Native American collections in the possession or control of Federal agencies and museums generally describe the Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony which inform consultation of museums and Federal agencies with tribes on repatriation. Decisions to effectuate repatriation of unassociated funerary objects, sacred objects and objects of cultural patrimony are reflected in the published Notices of Intent to Repatriate.

Final regulations, describing the Future Applicability rules of NAGPRA, published on March 21, 2007, effective April 20, 2007, require museums and Federal agencies receiving a new collection, or having collections of new Indian tribes, to prepare or update inventories within 2 years and summaries within 6 months. If the museum receives Federal funds for the first time, summaries are due in 3 years and inventories in 5 years.

Grants are available to museums and tribes to fund projects for consultation and accomplish cultural identification of items and to cover costs of repatriation. Civil penalties may be imposed upon museums found in non-compliance with the law by failing to submit inventories and summaries, consult with tribes, and to repatriate cultural items in a timely manner. The entire NAGPRA process pertaining to collections is within the jurisdiction of the Native American Graves Protection and Repatriation Review Committee which advises the Secretary on implementation and makes recommendations toward the resolution of disputes.

## Notices

The following overview of summaries, inventories and culturally unidentifiable human remains reflect an update from numbers reported in prior reports and based upon a review of the National NAGPRA Program records as of September 30, 2007. For more information on notices, contact Jaime Lavallee, notice backlog reduction project, National NAGPRA, ([Jaime\\_Lavallee@contractor.nps.gov](mailto:Jaime_Lavallee@contractor.nps.gov)). Also, see the attached table of notices by year.

### Summaries and Notices of Intent to Repatriate:

Summaries have been received from 1,065 institutions. Additionally, 459 statements of “no summary required” have been received.

There have been 376 Notices of Intent to Repatriate published, an increase of 31 notices in FY 2007. These 376 notices account for 129,489 funerary objects, 3,598 sacred objects, 303 objects of cultural patrimony, 773 sacred objects that are also cultural patrimony, and 215 undesignated objects. The 31 new notices represent 27,036 unassociated funerary objects, 28 sacred objects, 22 objects of cultural patrimony, 64 sacred objects that are also objects of cultural patrimony, and 215 undesignated objects.

### Inventories and Notices of Inventory Completion:

Inventories have been received from 1,253 institutions. Of these, 555 contain decisions as to cultural affiliation of Native American human remains, and 682 contain listings of culturally unidentifiable Native American human remains. Note: There may be duplication of reporting for collections as the law directs those museums with possession or control of collections to submit an inventory and several museums may have collections belonging to Federal agencies, where both the museum and federal agency submitted an inventory.

There have been 1,016 Notices of Inventory Completion published accounting for 32,706 human remains and 685,064 associated funerary objects. There were 77 notices published in FY 2007, accounting for 748 human remains and 15,619 associated funerary objects.

### Culturally Unidentifiable Human Remains:

As part of providing administrative support for the Review Committee, National NAGPRA has compiled the Review Committee's inventory of culturally unidentifiable (CUI) human remains, as required by 25 U.S.C. 3006 (c)(5). National NAGPRA has entered 682 inventories from 623 institutions containing determinations of culturally unidentifiable Native American human remains accounting for 118,400 individuals for whom cultural affiliation has not yet been determined and 828,641 funerary objects associated with those individuals. The number of CUI subsequently culturally identified to date is 2,321 and the number of CUI transferred by a disposition to a tribe is 16 individuals this year, for a total of 2,383. Pending regulations that will specify a process for disposition of CUI, requests for recommendations for disposition can be presented to the Review Committee which makes recommendations to the Secretary. Notices of Inventory Completion that effect the disposition are published upon receipt of Secretarial authorization to allow 30 days for competing claims to be lodged prior to transfer of control.

## **Grants**

### Documentation/Consultation and Repatriation Grant Requests:

Congress appropriated \$ 2.4 million for grants in FY 2007. The grant application deadline for consultation/documentation grants was March 1, 2007. Repatriation grants are received on a rolling basis. A total of 53 grants applications were received: 45 consultation/documentation proposals and 8 repatriation funding requests. Of all grant proposals submitted, 36 were from Indian tribes and Native Hawaiian organizations and 17 from museums. The total amount of awarded repatriation grants during FY 2007 was \$94,026. The total amount awarded for consultation/documentation during FY 2007 was \$1,830,285. See the attached table of grants.

Grant applications for consultation/documentation projects are reviewed by an outside panel, which met on May 7-8, 2007. Each applicant received an individualized letter from the grants coordinator containing valuable feedback obtained from the panel to assist applicants in preparing better grant proposals in the future and in administering successful projects.

### Grants Outreach:

As reported to the Review Committee in November 2006, research on potentially underserved populations showed that about 100 tribes and about 15 museums could have immediate need for

NAGPRA grant funds. The identification of these populations was based on data showing tribes that had applied for but never received NAGPRA grants and museums with high numbers of culturally unidentifiable items. In addition to general mailings, the program sent targeted mailings to the identified tribes and organizations. The program also increased its advertising of NAGPRA grants. Announcements of NAGPRA grants availability were placed in professional association print and online publications, sent to museum, university, and Native American listservs, and forwarded to a host of museum and tribal media outlets for dissemination.

Although these avenues for outreach may have had some impact in diversifying the pool of applicants, the expanded grants publicity did not yield an increase in grant proposals. In fact, from FY 2006 to FY 2007, there was no change in the number of museum requests, and tribal requests decreased by 23%. A plan to counter this decrease and to increase both tribal and museum applications has been implemented. NAGPRA staff is conducting more travel to meet with potential applicants and provide training on the grants process. For the previous fiscal year's grant cycle, travel by the grants coordinator in 2005 seemed to positively affect the number of consultation/documentation requests, which had increased in FY 2006.

In 2007, the program has offered more training on grants. National NAGPRA staff attended the American Association of Museums annual meeting, where we chaired a panel on tribal-museum collaboration and staffed an exhibitor table providing information on NAGPRA and grants. This fall, program staff made presentations or staffed tables at the annual meetings of the Mountain-Plains Museums Association (September 11-14, in Fargo, ND) and the Western Museums Association (October 10-12, in Oakland, CA). Grants and program brochures were sent to the annual meetings of the Association of Midwest Museums (September 25-28, in Mackinac Island, MI) and the National Association of Tribal Historic Preservation Officers (October 8-12, in Palm Springs, CA). The goal is to assist museums with NAGPRA obligations and to support tribes seeking NAGPRA opportunities.

As part of our outreach plan, the grants coordinator inaugurated the Grants Outreach Project as an online resource where potential applicants can view examples of successfully completed projects as well as identify upcoming grants workshops. NAGPRA interns Maria Elena Frias (Summer 2006) and Selina D. Cooper (Spring 2007) assisted in the development and completion of this online grants resource: <http://www.nps.gov/history/nagpra/GRANTS/INDEXoutreachcover.htm>

For more information on grants, contact Michelle Joan Wilkinson, grants coordinator, National NAGPRA, (Michelle\_J\_Wilkinson@nps.gov).

## **Civil Penalties**

The civil penalties rule (43 C.F.R. 10.12) was published in 1997 as an interim rule, and in 2003 as a final rule. In May 2005, the Secretary of the Interior issued a Secretarial Order placing responsibility for civil penalties within the National NAGPRA program to provide staff support to the Assistant Secretary Fish and Wildlife and Parks. The NAGPRA civil penalty coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement agent work as a team and provide staff support to the Assistant Secretary. For more information on civil penalties, contact David Tarler, enforcement coordinator, National NAGPRA, (David\_Tarler@nps.gov).

The NAGPRA regulations set forth 8 ways that a museum might fail to comply with the Act or its regulations (43 C.F.R. 10.12 (b)(1)). The following list indicates the total number of allegations of failure to comply for each to date and the number of museums involved.

1. Sale or transfer of NAGPRA items contrary to NAGPRA. (13/13)
2. Failure to complete a summary.(11/8)
3. Failure to complete an inventory.(26/19)
4. Failure to notify tribes after completion of the inventory within 6 months.(8/7)
5. Refusal to repatriate.(18/8)
6. Repatriation prior to publishing a notice in the Federal Register.(5/3)
7. Failure to consult with tribes and/or lineal descendants.(29/18)
8. Failure to inform recipients of pesticide treatment on the items.(0/0)

To date, there have been 110 allegations against 37 museums. Some include multiple counts against the same museum. The allegations by year are:

1996 - 1  
1997 - 7  
1998 - 10  
1999 - 2  
2000 - 4  
2001 - 4  
2002 - 22  
2003 - 10  
2004 - 13  
2005 - 11  
2006 - 12  
2007 - 14

A priority of the civil enforcement team has been an assessment of all pending files and the establishment of file controls and templates for notice letters to be issued by the Assistant Secretary. The National NAGPRA website contains guidance on allegations that a museum has failed to comply, complete with a template letter for reporting a violation.

[www.cr.nps.gov/history/nagpra/civil\\_penalties](http://www.cr.nps.gov/history/nagpra/civil_penalties)

To date, the investigation of 31 allegations of failure to comply, made against 12 museums, has yielded a determination of failure to comply on 9 counts and a determination that the allegation was unsubstantiated on 22 counts. During FY2007, the investigation of 18 allegations of failure to comply, made against 9 museums, yielded a determination of failure to comply on 7 counts involving 6 museums and a determination that the allegation was unsubstantiated on 11 counts.

A museum receiving a notice of failure to comply has 45 days to take specific action, as set forth in the NAGPRA regulations, before a penalty assessment may issue. The civil penalty team serves as staff to the Assistant Secretary on penalty assessments. To date 2 notices of penalty assessment have been completed and 6 are pending. In total the notices have assessed \$6,200 in penalties, \$2,500 in 2007. To date, \$6,200 in penalties has been collected, \$2,500 in 2007.

Museums receiving a notice of failure to comply are entitled to seek informal discussion with the Assistant Secretary's designee, request a hearing to contest the finding, take no action, or waive right to a hearing. Thus far, 0 museums have requested a hearing, 2 museums have conducted informal discussion with the civil penalty team and the 2 museums for which notices of penalty assessment were completed have taken action to come into compliance with the law.

## **Review Committee**

### Review Committee Members:

Members of the Review Committee at the beginning of FY2007 were: Ms. Rosita Worl (chair), Mr. Garrick Bailey, Mr. Willie Jones, Mr. Colin Kippen, Mr. Dan Monroe, and Mr. Vincas P. Steponaitis. One position was vacant. Ms. Donna Augustine was appointed to a four year term to fill the vacant position in October, 2006. Alan H. Goodman was appointed to a four year term to fill the position previously held by Mr. Bailey in March, 2007. Ms. Worl was reappointed to a two year term in March, 2007.

Mr. Timothy McKeown serves as the Review Committee's Designated Federal Officer (DFO). The DFO complies with all filings required by the Federal Advisory Committee Act (FACA). For more information on the Review Committee contact, C. Timothy McKeown, Designated Federal Official (Tim\_Mckeown@nps.gov).

### Review Committee Meetings:

The Review Committee has met 34 times since 1992, fulfilling its responsibilities to monitor and review the implementation of the inventory and identification process, recommending the disposition of culturally unidentifiable human remains, and facilitating the resolution of disputes. Attached to this report are tables listing the status of disputes brought before the Review Committee and the actions taken on requests for recommendations regarding disposition of culturally unidentifiable human remains and associated funerary objects.

On November 3-4, 2006, the Review Committee met in Denver, Colorado. On the agenda were 3 requests for recommendations regarding disposition of cultural unidentifiable Native American human remains and associated funerary objects and 1 dispute between a tribe and a museum.

The Review Committee made recommendations regarding disposition of culturally unidentifiable Native American human remains and associated funerary objects under the control of:

- Fort Union National Monument
- Colorado Historical Society
- Alameda County Coroner

The Review Committee also considered a dispute between the White Mountain Apache Tribe and the Field Museum as to whether 33 items were objects of cultural patrimony and if the museum had proved it had right of possession. The Review Committee recommended by unanimous vote that the Field Museum recognize that the 33 items are cultural patrimony and acknowledge that it does not have right of possession. See Federal Register, Vol. 72, No. 25, February 7, 2007.

On April 19-20, 2007, the Review Committee met in Washington, DC. The Review Committee made 2 recommendations regarding disposition of culturally unidentifiable Native American human remains and reviewed the status of ongoing consultation regarding development of regulations on the disposition of unclaimed cultural items (43 CFR 10.7). The Review Committee also recommended that the Department of the Interior take steps to facilitate the repatriation of Native American human remains in British Museum to the Chickasaw Nation.

The Review Committee made recommendations regarding disposition of culturally unidentifiable Native American human remains and associated funerary objects under the control of:



- University of Florida
- National Park Service's Intermountain Region

The Review Committee also finalized its annual report on the progress and any barriers encountered in carrying out its responsibilities during 2006. The Review Committee recommended that:

- 1) Congress appropriate the following amounts for FY2008 to ensure continued implementation of the Act:
  - At least \$4.1 million in grants to Indian tribes, Native Hawaiian organizations, and museums;
  - The amounts requested by the administration that is targeted for each Federal agency's compliance efforts.
 The Review Committee also recommends that the President request the same amounts listed above in the FY2009 budget proposal.
- 2) Congress amend the definition of "Native American" at 25 U.S.C. 3001 (9) by adding the words "or was" so that it reads: "'Native American' means of, or relating to, a tribe, people, or culture that is, or was indigenous to the United States."
- 3) Congress immediately call for a GAO study to assess and evaluate the compliance of each and every Federal agency with the provisions of NAGPRA and for Congressional oversight hearings on this subject. The Review Committee also recommends that the GAO consult with the Review Committee and the National NAGPRA Program staff before designing and implementing this study.

To date, the Review Committee has made findings and issued recommendations in 11 disputes. The Review Committee also has made findings and recommendations on 43 requests regarding the disposition of the remains of 2,875 individuals and 848 associated funerary objects listed as culturally unidentifiable. The Review Committee has worked closely with NPS staff in the development of drafts and review of proposed regulations, including issuing recommendations in 2000 regarding the disposition of culturally unidentifiable human remains, which provided direction in the development of a proposed rule.

#### Review Committee Reports:

Each time they meet, the Review Committee examines the larger picture of compliance with NAGPRA. They then make suggestions for improvement of the implementation of the law by making suggestions for the National NAGPRA program. The Review Committee has also requested research be undertaken that will assist their further assessment of activities in furtherance of NAGPRA compliance.

Reports to the Review Committee are posted on the National NAGPRA website, [www.nps.gov/history/NAGPRA/ReviewCommittee](http://www.nps.gov/history/NAGPRA/ReviewCommittee). For 2007 there were the following reports:

- Who Are the CUI?
- Good News Stories
- Cultural Affiliation Notice Project (in progress)

## **Excavations and Discoveries**

### **Notices of Intended Disposition**

An adjusted 66 pairs of notices have been published, an increase of one pair of notices during FY 2007. Agencies were sent a request to update the National NAGPRA Program of their dispositions not contained in the program records. A listing of these notices is available at: [www.cr.nps.gov/history/nagpra/notices/NID\\_Tble\\_Current.pdf](http://www.cr.nps.gov/history/nagpra/notices/NID_Tble_Current.pdf).

## **Regulations**

Four reserved sections of the NAGPRA regulations (43 CFR 10) were pending at the beginning of FY 2007:

- 43 CFR 10.13, Future applicability, was published in the Federal Register on March 21, 2007. See Federal Register, Vol. 72, No. 54, 13184-13189.
- 43 CFR 10.11, Disposition of culturally unidentifiable human remains, has been drafted as a proposed rule, and is under review within the Department of the Interior.
- 43 CFR 10.7, Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony, is in development. Indian tribes, scientific organizations, and the Review Committee were consulted in November, 2005 and April, 2007, with a third consultation scheduled for October 2007, prior to the drafting of a proposed rule.
- 43 CFR 10.15(b), Failure to claim where no repatriation or disposition has occurred, is held pending the completion of the above noted regulatory sections.

For more information on regulations contact, C. Timothy McKeown (Tim\_Mckeown@nps.gov).

## **Technical Assistance**

### Training:

The National NAGPRA Program provides training offered by the program and hosted by tribes, museums and Federal agencies. During FY 2007, staff presented training and made presentations to 1913 participants in 40 sessions, in addition to supplying training materials for training given by others. For more information on training, contact David Tarler (David\_Tarler@nps.gov).

In FY 2007, National NAGPRA provided training and program presentations as summarized below with the number of attendees.

- Return to the Earth Indigenous Day, Clinton, OK (15)
- American University, Washington College of Law (126), two presentations
- Program sponsored training prior to the November Review Committee meeting (55)

- University of Mary Washington (25)
- Federal Training Working Group (30)
- University of Alaska, Anchorage (72)
- University of Alaska, Fairbanks (8)
- National Park Service, Alaska Region Office (15)
- Four Southern Arizona Tribes Conference (198)
- Oklahoma National Guard (40)
- International Repatriation Conference, Greenland (103)
- National Conference of State Historic Preservation Officers (80)
- Maryland Archaeological Conference (47)
- Utah Division of Indian Affairs (13)
- Utah National Guard (20)
- High Plains/Southern Tier Tribes Coalition (45)
- Program sponsored training prior to the April Review Committee Meeting (63)
- National Preservation Institute training (27)
- American Law Institute-American Bar Association (53)
- Alaska Rural Development Group (27)
- USDA Forest Service Tribal Law Training (40)
- ARPA/NAGPRA law enforcement training, Sleeping Bear Dunes (19)
- American Association of Museum Annual Meeting (100)
- Hawaii Museum Association (55)
- Hawaii (15)
- NPS Anchorage (televised throughout Alaska) (25)
- United South and Eastern Tribes, Cultural Committee (15)
- University of Queensland (via televideo conference) (28)
- ARPA/NAGPRA law enforcement training, Prairie DeChene (8)
- National Trust for Historic Preservation, foreign leaders visit (29)
- Department of Defense (55)
- NPS Albright Training Center, Superintendents Training (25)
- Department of Justice Television Network 10 session, 3 day program (205)\*
- Mountain-Plains Museums Association (50)
- SCA Interns (20)
- ARPA/NAGPRA law enforcement training Yosemite National Park (15)
- ARPA/NAGPRA law enforcement training Trempealeau National Wildlife Refuge (35)
- Effigy Mounds National Park,  
Teaching Teachers to Teach About Cultural Resources (100)
- Tennessee Valley Authority (12)

\* The “Overview of Cultural Property Law,” 10 session telecast was broadcast via the Justice Television Network to 96 United States Attorney’s Offices, and was tapped into by other federal land managing agencies in three parts, on September 11, 18 and 25. The number reported reflects only those registered in the NPS system for the first two segments and does not include additional NPS viewers, or those from DOJ and other federal agencies.

#### Outreach:

During this reporting period the National NAGPRA program provided information to the following:

News outlets and media enterprises:

*Honolulu Advertiser, Honolulu Star-Bulletin, Native American Times, Plain Dealer, KQTV St. Joseph City, MO, New York Times, National Public Radio, Rocky Mountain News, Native America Calling (radio), Santa Fe New Mexican, Seattle Times, Cortez Journal, National Journal.*

Legislative and public information:

Senator Daniel Inouye  
Congressman Zach Wamp  
Department of State, Organization of American States

In addition to responding to telephone inquiries and email correspondence, including mail sent to the website on a daily basis, in total for FY 2007 1900 inquiries, the National NAGPRA program receives requests for assistance from college students and faculty conducting research projects which rely on Program information. Aides to research by institution are:

Arizona State University, College of Law  
California State, Claremont  
Idaho State University  
University of Arizona, Rogers College of Law  
University of Florida, College of Law

This year the program produced two brochures, one with general information on National NAGPRA, and the other on NAGPRA Grants. The grants brochure also provides information on other funding sources for Native American cultural projects. The brochures were provided via the web and email to tribes and museums in October and November 2006. There was a targeted mailing to tribes that had applied for, but never received, a NAGPRA grant, about 100, and a mailing to museums with a high percentage of culturally unidentifiable human remains, about 15-20. A copy of the brochure was sent to the Bolivian delegation to the Organization of American States (OAS) by the State Department and a portion of the general brochure was translated into Spanish and distributed at the February meeting of OAS in Washington, DC. Brochures have been distributed at meetings of the United South and Eastern Tribes and the National Council of State Historic Preservation Officers, both in Washington, DC. To date, 3500 brochures have been distributed. The brochures are online at <http://www.nps.gov/history/nagpra/GRANTS/GrantsBROCHUREupdated2007.pdf>.

Website:

The National NAGPRA website provides an opportunity to supply training and technical guidance on a range of NAGPRA matters. Additional items are under development, including a self tested learning module on the notice process.

In July 2007, National NAGPRA debuted the Grants Outreach Project on its website. The project is an online resource for potential applicants featuring descriptions of funded projects, examples of proposals, and excerpts from final project reports. We also included a bibliography with examples of print and online publications produced as a result of NAGPRA grants.

### Partnerships:

The National NAGPRA program partnered with the Lawyers' Committee for Cultural Heritage Preservation, the National Trust for Historic Preservation and the American University, Washington School of Law, to provide training on cultural property law and looting of cultural resources, at multiple sites throughout the year.

The National NAGPRA Program and American University, Washington College of Law have partnered over the full year, with the participation of several law students, to research, analyze and create the "State Burial Laws Project." This is a comprehensive compilation of state laws, criminal, civil and compliance requirements, pertaining to the administration, protection, and repatriation of human remains on state and private land. The data accumulated is encyclopedic and will be reduced to electronic media and excerpted into meaningful reports in the next fiscal year.

Resource Protection and Visitor Services, like Cultural Resources, is a division under an Associate Director of the National Park Service. The two Associate Directorships partner throughout the year in a number of ways. For FY 2007 this included:

- Resource Protection support for part of the salary of the training coordinator in National NAGPRA, as training is often given to law enforcement agents and others who form the prosecution partnerships to effectively protect cultural resources on federal and Indian lands. Further the training coordinator served as a technical resource on an ongoing basis, fielding frequent calls from law enforcement agents, attorneys, and others needing information, materials and further resource contact information as they developed their cases.
- Funding and personnel support of cultural resource training courses on NAGPRA and Archaeological Resources Protection Act (ARPA) cases.
- Funding and technical support for a further partnership with the National Association of Tribal Historic Preservation Officers (NATHPO), to bring training to tribal, federal and museum staff on protection of Native American cultural resources and enforcement of the criminal protection laws.
- Funding, staff participation as instructors, and coordination of the 10 session television training production, "Overview of Cultural Property Law." This was also undertaken in partnership with the Department of Justice, the USDA Forest Service, Bureau of Land Management, Fish and Wildlife Service, additional NPS staff at Effigy Mounds and Yosemite National Parks.

For more information on partnerships contact David Tarler (David\_Tarler@nps.gov).

### Illegal Trafficking:

NAGPRA provides criminal penalties for violations of 18 U.S.C. 1170, Illegal Trafficking in Native American Human Remains and Cultural Items. The cases are investigated by Federal law enforcement agents and handled by United States Attorneys throughout the country. National NAGPRA offers training for attorneys and agents and provides technical assistance upon request. For more information on cultural property law and enforcement, contact David Tarler (David\_Tarler@nps.gov).

## **Program Operations**

### Operational Management:

The National NAGPRA program employed a software contractor to develop a stable format and completed migration of the program files from Access 97 to new software and secure files.

### Externs, Interns:

The National NAGPRA program forms partnerships with the National Center for Preservation Education (NCPE), law schools and universities, and the Cultural Resources Diversity Program within NPS, through the Student Conservation Association (SCA), to offer internships in government service and externships from law schools where students earn course credit. An ongoing relationship has developed with the Washington School of Law, American University, which lends interns to the program and receives guest lecturers on NAGPRA and other cultural property topics. Intern/extern projects provide numerous benefits to the National NAGPRA program and the communities that it serves.

The externs/interns and the projects in progress in FY 2007 were:

- Selina Cooper, NCPE intern, reviewed NAGPRA grants to select representative examples that can be posted on the website as models for future proposals, under the direction of Michelle J. Wilkinson; and compiled “Good News Stories” of NAGPRA repatriations for posting on the NAGPRA website, under the direction of Jaime Lavalley, January to May 2007.
- Andrew Kline, NCPE intern, “Who Are the CUI?” research project that compiled descriptive statistics on the CUI database population, under the direction of Sherry Hutt, January to May 2007.
- James DeBergh, Meagan Shirk, Jillian Arguello, externs, American University, Washington College of Law, state burial law project, under the direction of David Tarler, ongoing.
- Amy Kolakowsky, a SCA intern, “Culturally Affiliated Notice Project,” looked at the culturally affiliated human remains listed on museum inventories to compile a statistical survey of the individuals for which decisions have been made, but no notices have been published, under the direction of C. Timothy McKeown, summer 2007.

### National NAGPRA Staff:

The National NAGPRA staff roster from October 1, 2006 to September 30, 2007 is:

<i>Program Manager:</i>	Sherry Hutt
<i>Program Secretary:</i>	Robin Coates
<i>Program Officers:</i>	Tim McKeown
	David Tarler
	Michelle J. Wilkinson

On January 3, 2007, Cynthia Murdock retired from the National Park Service after 23 years of federal service.

The program is assisted by contractors:

Jaime Lavallee  
Lesa Hagel

The Civil penalty investigator is Bob Palmer, in cooperation with NPS Law Enforcement, Resource Protection and Effigy Mounds National Park. The National Park Service is accommodating the National NAGPRA Program on an ongoing basis with law enforcement agents across the country to assist Bob Palmer in collecting information on allegations of failure to comply, as needed.

In addition, the National NAGPRA program receives support from other NPS employees:

Bob Ruff, grants administration  
Kathleen Murphy, IT support  
Jane Fu, IT support  
Randall Bohnert, finance  
Joe Wallis, finance, long range planning  
Greg Lawler, law enforcement  
Jerry Case and Jennifer Lee, notice and regulation publication

## FY2006 Budget

*The National NAGPRA Program receives appropriations from Congress for grants and grants administration. Funding is also provided through the National Park Service. The figures below are in thousands and are approximate pending final invoices.*

### Funding:

Congressional net appropriation grants	\$ 2.400
Grants administration appropriation	176
Operations funding from NPS	162

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Total of funding sources: \$ 2.738

### Operational Expenses:

Personnel Compensation:	\$ 577
Contractor:	59
Publication (Fed. Reg.)	36
Travel NAGPRA staff & counsel (training & Review Committee meetings)	22
Equipment, telephone, fax, copier, mail	10
Supplies	10
Interns	
Civil penalties	
Law Enforcement training, travel	15
Review Committee meeting event	12
Review Committee transcripts	27
Review Committee travel & expenses	65

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Total of operational expense \$ 833

Total Grants awards \$1.905

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Total expense \$2.738



## **FY 2007 Grants**

### **Consultation/Documentation Grants**

Alutiiq Museum & Archaeological Repository	\$56,049
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, MT	\$70,710
Bad River Band of the Lake Superior Tribe of Chippewa Indians, WI	\$73,888
Caddo Nation of Oklahoma	\$73,626
Central Council of the Tlingit & Haida Indian Tribes of Alaska	\$74,862
Chilkoot Indian Association (Haines), AK	\$74,629
Confederated Tribes and Bands of the Yakama Nation, WA	\$74,511
Confederated Tribes of the Umatilla Reservation, OR	\$21,002
Confederated Tribes of the Umatilla Reservation, OR	\$11,641
Confederated Tribes of the Warm Springs Reservation of Oregon	\$74,984
Cowlitz Indian Tribe, WA	\$74,993
Duckwater Shoshone Tribe of the Duckwater Reservation, NV	\$75,000
Eastern Shawnee Tribe of Oklahoma	\$66,641
Eastern Washington State Historical Society	\$59,382
Field Museum of Natural History	\$21,408
Field Museum of Natural History	\$34,326
Hydaburg Cooperative Association, AK	\$74,881
Karuk Tribe of California	\$75,000
Lac Vieux Desert Band of Lake Superior Chippewa Indians, MI	\$69,305
Museum of Northern Arizona	\$50,904
Oregon State University, Dept. of Anthropology	\$72,694
Robinson Rancheria of Pomo Indians of California	\$72,454
Rochester Museum & Science Center	\$75,000
San Diego Museum of Man	\$63,921
Sealaska Corporation, AK	\$70,970
Smith River Rancheria, CA	\$73,960
Southern Oregon University	\$29,531
Susanville Indian Rancheria, CA	\$75,000
Univ. of Colorado, Boulder	\$75,000
Yavapai-Apache Nation of the Camp Verde Indian Reservation, AZ	\$14,013
<b>Total Consultation/Documentation Grants</b>	<b>\$1,830,285</b>

### **Repatriation Grants**

Bois Forte Band of Minnesota Chippewa	\$14,952
Confederated Tribes of the Umatilla Indian Reservation, OR	\$3,378
Confederated Tribes of the Umatilla Indian Reservation, OR	\$10,731
University of Colorado, Boulder	\$15,000
University of Colorado, Boulder	\$15,000
Thomas Burke Memorial Washington State Museum	\$14,936
<b>Total Repatriation Grants</b>	<b>\$73,997</b>

**Total of all grants awarded for FY 2007** **\$1,904,282**

### Counts of Notices and Cultural Items by Fiscal Year

Year	Published	MNI	AFO	UFO	SO	OC P	SO & OCP	UCI	Rec'v
1992	2	15	12,225	0	0	0	0		3
1993	14	40	60,071	0	1	0	7		14
1994	13	1,851	275	31,681	1	1	1		19
1995	36	806	18,710	6	243	3	4		37
1996	59	2,290	116,002	32	91	17	10		197
1997	122	1,197	49,392	5,061	116	67	92		187
1998	82	5,278	31,082	2,484	14	62	165		201
1999	108	6,435	30,907	680	106	70	78		156
2000	110	2,026	21,983	3,245	552	11	28		186
2001	199	2,959	167,252	25,583	6	25	5		130
2002	143	3,157	25,301	5,903	110	3	121		109
2003	85	666	31,392	1,195	101	4	135		83
2004	103	1,528	13,924	14,294	37	9	13		63
2005	108	2,337	54,918	1,986	2,183	3	5		77
2006	100	1,373	36,011	10,303	9	6	45		96
2007	108	748	15,619	27,036	28	22	64	215	135
Totals:	<b>1,392</b>	<b>32,706</b>	<b>685,064</b>	<b>129,489</b>	<b>3,598</b>	<b>303</b>	<b>773</b>	<b>215</b>	

## CURRENT STATUS OF DISPUTES CONSIDERED BY THE REVIEW COMMITTEE

<b>Museum/ Agency</b>	<b>Tribe/ Organization</b>	<b>Cultural Item</b>	<b>Dispute</b>	<b>Recommendation</b>	<b>Resolution</b>
Berkeley I	Hui Malama I Na Kupuna O Hawai'i Nei	Human remains	Cultural affiliation of human remains	Revise determination of cultural affiliation (February 15, 1993).	<b>Published notice (June 2, 1993), repatriated.</b>
Berkeley II	Hui Malama I Na Kupuna O Hawai'i Nei	Human remains	Cultural affiliation of human remains	Transfer control for reconsideration of cultural affiliation (February 15, 1993).	<b>Transferred control, published notice (February 25, 1994), repatriated.</b>
Field Museum I	Oneida of WS Oneida of NY	Wampum belt	Conflicting claims between tribes	Dispute withdrawn by parties	<b>Belt still in control of the Field Museum.</b>
Providence	Hui Malama I Na Kupuna O Hawai'i Nei/Office of Hawaiian Affairs	Carved figure	Status of the figure as an unassociated funerary object, sacred object, and object of cultural patrimony	Revise determination as a sacred object (May 1, 1997).	<b>Finding reconsidered by RC, litigation (Providence v. DOI), settlement, figure transferred.</b>
Chaco Cultural National Historical Park	Hopi Tribe	Human remains/funerary objects	Adequacy of consultation process	Reconsider determination of cultural affiliation (February 10, 2000).	<b>Repatriated.</b>
Bureau of Land Management	Fallon Paiute Shoshone Tribe	Human remains	Cultural affiliation of human remains	Revise determination of cultural affiliation (April 10, 2002).	<b>Litigation (Fallon Paiute v. BLM). Case remanded back to BLM for reconsideration. Human remains still in the control of the BLM.</b>
Denver Art Museum	Western Apache Coalition	Gaan items	Status of items as sacred objects and objects of cultural patrimony	Revise determination as sacred object and object of cultural patrimony (September 12, 2002).	<b>Published notice (March 14, 2003), repatriated.</b>
Bishop I	Royal Academy	Kawaihae funerary objects	Adequacy of consultation and repatriation	Recall loan, reconsider determination of	<b>Finding reconsidered by RC, affirmed,</b>

			process	cultural affiliation (August 20, 2003).	<b>litigation (Kawananakoa v. Bishop). Cultural items removed from cave and are currently at the Bishop Museum.</b>
Bishop II	Hui Malama I Na Kupuna O Hawai'i Nei	Molokai moepu	Status of items as unassociated funerary objects	Revise determination of cultural item (June 1, 2005).	<b>Items still in control of Bishop Museum.</b>
Bishop III	Hui Malama O Hawai'i Nei	Kalaina Wawae	Status of items as objects of cultural patrimony	Revise agreement to require consent of Hui Malama O Mo'omomi prior to relocation of Kalaina Wawae (June 1, 2005).	<b>Item still in control of Bishop Museum.</b>
Hawaii Volcanoes	Hui Malama O Hawai'i Nei	Kawaihae funerary objects	Status of items as human remains and associated funerary objects	Proceed with determination (June 1, 2005).	<b>Items still in control of Hawaii Volcanoes.</b>
Field Museum II	White Mountain Apache Tribe	Gaan items	Status of items as objects of cultural patrimony and whether museum has right of possession	Revise determination of cultural item and right of possession (February 7, 2007).	<b>Published notice (August 24, 2007). Items still in control of the Field Museum.</b>

<b>Requests to the Review Committee Regarding Disposition of Culturally Unidentifiable Human Remains and Associated Funerary Objects</b>				
<b>Museum/ Agency</b>	<b>Review Committee recommendations</b>	<b>Notice in Federal Register</b>	<b>HR</b>	<b>AFO</b>
1. Alameda County Sheriff's Office, Coroner's Bureau, CA	<u>November 2006</u> : Requested that the Secretary of the Interior inquire as to applicability of state law.		1	0
2. Baylor University, Strecker Museum (now Mayborn Museum) , TX	<u>March 1997</u> : Recommended additional consultation; move toward cultural affiliation; revise inventory.		46	5
3. California Department of Parks and Recreation	<u>January 1998</u> : Recommended additional consultation and resubmission of request.		?	?
4. California State University, Fresno	<u>May 1999</u> : Recommended disposition to the Central Valley and Mountain Reinterment Association, a coalition of federally recognized Indian tribes and non-federally recognized Indian groups.	August 8, 2000	122	0
5. City of Santa Clara, Headon Inman House, CA	<u>March 1997</u> : Recommended additional consultation and documentation.		1	1
6. Colorado College	<u>September 2004</u> : Recommended disposition to the Southern Ute Indian Tribe based on aboriginal land.	December 22, 2004	3	0
7. Colorado Historical Society	<u>November 2006</u> : Recommended approval of protocol for future disposition of any culturally unidentifiable remains, subject to concurrence of additional affected Indian tribes.		-	-
8. De Anza College, CA	<u>March 1997</u> : Recommended additional consultation and documentation.		35	0
9. Fine Arts Museum of San Francisco, CA	<u>December, 1998</u> : Recommended additional consultation and documentation.		0	91
10. Florida Museum of Natural History, FL	<u>April 2007</u> : Recommended reburial at original excavation site, with concurrence of the Miccosukee Tribe, Seminole Tribe of Florida, and Seminole Nation of Oklahoma.		366	0
11. Franklin Pierce College, NH	<u>November 2001</u> : Recommended disposition to the Abenaki Nation of Missisquoi, a nonfederally recognized Indian group, following receipt of letters of agreement from affected federally recognized Indian tribes.	April 4, 2003	5	0
12. Henry County Historical Society, IN	<u>March 1997</u> : Recommended additional consultation, move toward cultural affiliation, revise inventory.		23	0
13. Hood Museum of Art, Dartmouth College, NH	<u>October 1995</u> : Recommended disposition to the Abenaki Nation of Missisquoi, a nonfederally recognized Indian group, following publication of notice in area newspapers.	May 17, 1996	1	0
14. Iowa Office of the State Archaeologist	<u>January 1998</u> : Recommended approval of request, with provision of documentation.	December 27, 2000	339	0
15. Iowa Office of the State Archaeologist	<u>May, 2006</u> : Recommended approval of protocol for future disposition of any culturally unidentifiable remains, subject to concurrence of all affected Indian tribes.		-	-
16. Minnesota Indian Affairs Council	<u>January 1998</u> : Recommended approval of request upon provision of additional documentation.	August 9, 1999	1059	306

		<u>December 1998</u> : Following submission of additional documentation, recommended disposition pursuant to state law.			
17.	New Hampshire Division of Historical Resources	<u>May 1999</u> : Recommended disposition to the Abenaki Nation of Missisquoi Abenaki, a non-federally recognized Indian group, following receipt of letters of support from affected federally recognized Indian tribes.	July 9, 2002	17	0
18.	Oakland Museum, CA	<u>March 1997</u> : Recommended additional consultation and documentation.		5	3
19.	Peabody Museum of Archaeology and Ethnology, Harvard University	<u>December 1998</u> : Recommended disposition to the Nipmuc Nation, a non-federally recognized Indian group.	August 1, 2003	2	0
20.	Peabody Museum of Archaeology and Ethnology, Harvard University, MA	<u>May 1999</u> : Recommended disposition to the Abenaki Nation of Missisquoi and Abenaki Nation of New Hampshire, both nonfederally recognized Indian groups, following receipt of letters of support from affected federally recognized Indian tribes.	October 9, 2001	30	6
21.	Robert S. Peabody Museum of Archaeology, Phillips Academy, MA	<u>November 1994</u> : Recommended disposition to the Mashpee Wampanoag Tribe, a non-federally recognized Indian group.	February 15, 1995	1	12
22.	Sonoma State University, CA	<u>June 1998</u> : Recommended additional information/concurrence from other tribes.		145	224
23.	South Dakota Archaeological Research Center	<u>November 2005</u> : Recommended disposition to the Flandreau Santee Sioux Tribe on behalf of a coalition of 17 Indian tribes.	April 26, 2006	70	11
24.	University of Nebraska-Lincoln	<u>December 1998</u> : Recommended disposition to the Omaha Tribe on behalf of a coalition of 17 Indian tribes.	October 2, 2000	330	0
25.	U.S. Department of Agriculture, Forest Service, National Forests in Florida	<u>April 2000</u> : Recommended disposition to the Miccosukee Tribe based on aboriginal land.	July 21, 2000	8	0
26.	U.S. Department of Energy, Fernald Site, OH	<u>March 1997</u> : Recommended retention of human remains until identification of clear mechanism for disposition. <u>January 1998</u> : Clarified that letter sent following previous meeting did not intend that remains be retained in the ground.		?	?
27.	U.S. Department of Defense, U.S. Army, Fort Douglas, UT	<u>March 2005</u> : Recommended disposition to the Great Basin Inter-tribal NAGPRA Coalition, a coalition of Indian tribes.		1	0
28.	U.S. Department of Defense, U.S. Army, Fort Hunter-Liggett, CA	<u>February 1995</u> : Recommended disposition to the Salinan Indian Tribal Council, a non-federally recognized Indian group.		3	0
29.	U.S. Department of Defense, U.S. Army, Joint Readiness Training Center and Fort Polk, LA	<u>May/June 2002</u> : Recommended disposition to the Caddo Tribe based on aboriginal land.	August 14, 2003	1	0
30.	U.S. Department of Interior, Bureau of Indian Affairs, CO	<u>March 2006</u> : Recommended disposition to 22 southwestern tribes based on aboriginal lands.	March 17, 2006	1	0
31.	U.S. Department of the Interior, Bureau of Reclamation, Dakotas Area Office, SD	<u>December 2000</u> : Recommended disposition to the North Dakota Intertribal Reinterment Committee, a coalition of federally recognized tribes.	May 3, 2001	14	4
32.	U.S. Department of	<u>December 2000</u> : Recommended disposition to	April 9, 2001	1	0

	the Interior, Bureau of Reclamation, Eastern Colorado Area Office	Cheyenne & Arapaho Tribes and Northern Cheyenne Tribe based on aboriginal land.			
33.	U.S. Department of the Interior, National Park Service, Carlsbad Caverns National Park, NM (presented jointly with Guadalupe Mountains National Park)	<u>December 1998</u> : Recommended disposition to coalition of 12 Indian tribes based on aboriginal land.	January 6, 2004	3	0
34.	U.S. Department of Interior, National Park Service, Effigy Mounds National Monument, IA	<u>September 2004</u> : Recommended disposition to the Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, and Sac and Fox Nation of Oklahoma based on aboriginal land.	December 20, 2004	12	3
35.	U.S. Department of the Interior, National Park Service, Fort Clatsop National Memorial	<u>January 1998</u> : Recommended solicitation of letters from nearest federally recognized Indian tribes.		1	0
36.	U.S. Department of the Interior, National Park Service, Fort Union National Monument, NM	<u>November 2006</u> : Recommended disposition to the Jicarilla Apache Tribe and Ute Mountain Tribe based on aboriginal land.	March 15, 2007	4	10
37.	U.S. Department of the Interior, National Park Service, Guadalupe Mountains National Park, NM (presented jointly with Carlsbad Caverns National Park)	<u>December 1999</u> : Recommended disposition to a coalition of 12 Indian tribes based on aboriginal land. <u>December 2000</u> : Recommended disposition of additional human remains to a coalition of 12 Indian tribes based on aboriginal land.	November 23, 2004	8	0
38.	U.S. Department of the Interior, National Park Service, Intermountain Regional Office, CO	<u>April 2007</u> : Recommended disposition to the Pueblo of Acoma and the Zuni Tribe based on geographical proximity.	August 24, 2007	9	17
39.	U.S. Department of Interior, National Park Service, Mesa Verde National Park, CO	<u>March 2006</u> : Recommended disposition to a coalition of 22 Indian tribes.	March 15, 2006	24	50
40.	U.S. Department of the Interior, National Park Service, Zion National Park, UT	<u>May 2001</u> : Recommended disposition to a coalition of 7 Indian tribes based on aboriginal land.	May 20, 2002	11	0
41.	Virginia Department of Historic Resources	<u>February 1995</u> : Recommended disposition to the Nansemond Tribal Association, a non-federally recognized Indian group.	March 27, 1997	64	105
42.	Virginia Department of Historic Resources	<u>May 1999</u> : Recommended additional documentation. <u>November 1999</u> : Recommended disposition to Monacan Indian Nation, a non-federally recognized Indian group.	February 10, 2000	105	0
43.	Washington State	<u>April 2000</u> : Recommended disposition to Puyallup	July 21, 2000	4	0

Historical Society	Tribe based on aboriginal land.			
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